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Letter dated 21 June 2001 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

In the early hours of 15 April 1986, a terrorist act of aggression was committed by the United States against the Libyan Arab Jamahiriya in which hundreds of innocent civilians were killed and injured while asleep in their homes. At that time, the Libyan Arab Jamahiriya turned to the Security Council and sought its condemnation of the aggression and justice for the victims. The Council was, however, unable to take any action because of the use of the veto by the United States and its allies.

In contrast to this, in 1992 the Security Council was impelled to act with the utmost speed in acceding to the demands made by the United States with regard to the Lockerbie affair. It did so despite the fact that those demands were unjust and lacked any legal basis whatever and in the absence of any material evidence, as was subsequently confirmed by the Judgment rendered by the International Court of Justice in 1998 establishing its jurisdiction to consider the case.

The Lockerbie affair is a criminal case that was improperly politicized. The historical circumstances resulting from the breakdown of the previous international equilibrium was exploited for the purpose of exercising hegemony over the Council and directing its actions by exerting all manner of pressure on its members. Articles 27, 33 and 36 of the Charter of the United Nations were thus violated in the manner in which the Council addressed this issue in particular as well as other issues, and international conventions were abrogated, the most important in the present case being the 1971 Montreal Convention.

The Libyan Arab Jamahiriya is a State of laws, and it is in the vanguard of those States that respect international law and comply with it and satisfy its requirements. For this reason, Libya has been among those few countries that have made a greater effort than others to avail themselves of the services of the International Court of Justice. The Court has rendered judgments in several cases involving the Libyan Arab Jamahiriya, among the most significant being that establishing its jurisdiction to consider the Lockerbie case and accepting the Libyan interpretation of international law as placing States and peoples on an equal footing regardless of their size, wealth or power. Accordingly, it now demands that the United Nations and its Security Council should comply with international law, should apply justice and equity to all Members of the Organization and should respect and implement the Charter with impartiality for the benefit for all.

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Continued disregard for international law can only undermine security, order and peace in the world, exacerbate crises among States and bring about a return to a climate of tension and confrontation and to the arms race.

Since the end of the Second World War, successive United States administrations have borne special responsibility for the state in which the Security Council finds itself. The new United States administration has a rare opportunity to remedy this situation and to demonstrate its respect for international law and its commitment to equality among the world's States and peoples by taking the proper and sound decision and remedying the injustice done to the Libyan people over the past decades by the hegemonistic policies of the United States. A first step in the right direction would be to provide an opportunity to bring United States officials to trial for the 1986 murder of those of our sons and daughters whose names are listed in document S/1999/457.

This case will remain open and it will remain before the Security Council until such time as the Council is able to act in accordance with international law and to comply with the Charter of the United Nations, in whose name it acts and which places all States and peoples without exception on an equal footing, and until such time as it adopts a resolution accepting the demands of the Libyan people that those responsible for the crimes committed against it on the night of 15 April 1986 should be brought to trial and that the families of the victims should be compensated. We hope that this issue will not remain before the Council for a long period of time without being settled.

Accordingly, Libya calls upon the Security Council to take the following measures:

1. To acknowledge the responsibility of those who perpetrated the crime of armed military aggression committed on 15 April 1986 against the Libyan people and the installations damaged by it, and to call upon the Government of the United States of America to accede to the request for the extradition of all the United States nationals charged with committing that crime so that they may appear before the Libyan courts in the two cases brought against them, as set forth in document S/1999/457, and to cooperate with the Libyan judicial authorities in this regard;

2. To acknowledge the basic right of Libya and of the individuals harmed by the aforesaid military aggression to just and appropriate compensation to redress the wrong done to them;

3. To call upon the Government of the United States of America to accept full responsibility for the actions of those Americans responsible for the military aggression in question and to pay appropriate compensation to those harmed;

4. To acknowledge the right of Libya to just compensation for the damage and losses it has sustained owing to the sanctions that were maintained against it over a seven-year period as a result of resolutions the Security Council was constrained to adopt, without any legal foundation and in the absence of material evidence, in the context of the so-called Lockerbie affair.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Abuzed Omar **Dorda**
Permanent Representative